IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.50 OF 2006

IN

S.C.C. SUIT NO.4664 OF 1971

Mr.Prabhjot Singh Kochhar & Ors. ...Petitioner

Versus

Dayalsingh Dullasingh ...Respondent/ Contemnor.

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Ms.Nita Mandhyan i/b M/s.S.M.Associates for Petitioner.

Mr.Bhavesh Parmar for Respondent/Contemnor.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 15, 2006.

P.C.

1. The grievance of the Petitioner that the Respondent is not complying with the order passed by the City Civil Court on the basis of the Consent Terms, cannot be the basis to initiate contempt action. It is the decree passed by the Court, which will have to be got executed by the

Petitioner. It would have been a different matter if it was the case of the Petitioner that the Respondent had given undertaking and which undertaking was accepted by the Court and yet breached.

2. In the circumstances, this Petition is disposed of without expressing any opinion with regard to the merits of the contentions of the parties.

A.M.KHANWILKAR, J.